

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DERRICK L. JOHNSON,
Plaintiff,
v.
SHAWN HATTON, et al.,
Defendants.

Case No. [16-cv-03364-JD](#)

ORDER OF DISMISSAL

Re: Dkt. Nos. 5, 7

Plaintiff, a state prisoner, has filed a civil rights action. Plaintiff was sent a notice that he had not paid the filing fee or applied for leave to proceed in forma pauperis (“IFP”). He was allowed twenty-eight days to either pay the fee or file a proper application. More than twenty-eight days has passed and plaintiff has not paid the fee or filed an application to proceed IFP. Therefore, this case is **DISMISSED** without prejudice. No fee is due. Plaintiff’s motions for a temporary restraining order¹ (Docket No. 5) and service (Docket No. 7) are **DENIED**.

IT IS SO ORDERED.

Dated: August 30, 2016


JAMES DONATO
United States District Judge

¹ In his motion for a temporary restraining order, plaintiff seeks to be released from prison and that the Superior Court of Los Angeles County and a Superior Court Judge be prohibited from overseeing a prosecution against him. These requests are meritless. If plaintiff wishes to challenge his conviction he must file a habeas petition.

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CERTIFICATE OF SERVICE

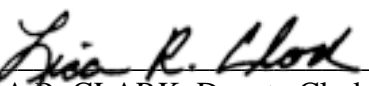
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 30, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Derrick L. Johnson ID: AY7574
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960

Dated: August 30, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO